

REMARKS

Applicants amended claims 1 and 78 and cancelled claims 77 and 81-91. Claims 1 and 71-76 and 78-80 are pending. The amendment to claim 1 was to incorporate the language of claim 77 therein. The amendment to claim 78 included incorporating the language of claim 81 therein.

The further amendments to claim 78 obviate the rejection thereof under 35 U.S.C. §112, second paragraph. Accordingly, Applicants request for reconsideration and withdrawal of the rejection of claims 78-80.

The Examiner rejected claims 1, 71-76 and 78-80 under 35 U.S.C. §102(e) as being anticipated by WO 03/032329 (“Yakshin”). However, Yakshin neither discloses nor renders obvious the subject matter of claims 1, 71-76 and 78-80 as amended.

Claims 77 and 81, the language of which are incorporated into independent claims 1 and 78, respectively, were rejected by the Examiner who asserted that “several points as carbon thickness increases, see Figs. 17a-21a” in Yakshin is tantamount to the claimed photoelectron current curve and the reflectance curve being measured at several points on the interface in order to achieve spatial resolution. *See*, Office Action, p. 5 and 7. Applicants do not concede that Figs. 17a-21a of Yakshin, which show several structures each having a different carbon cap level thickness, disclose spatially resolving an interface by measurements at several points on that interface. To the contrary, Yakshin is interested in determining an optimal thickness for his carbon cap level. *See*, Yakshin, p. 23, fifth paragraph. The various layer structures present as many distinct interfaces as there are structures with different carbon layer thickness, as shown in Figs. 17a-21a. *See, id.*, Figs. 17a-21a. One skilled in the art readily appreciates that spatially resolving an interface includes making measurements at several points on that particular interface. Thus, Yakshin does not disclose making measurements at several points on a particular interface. Furthermore, it would not have been obvious to modify Yakshin to provide the subject matter of claims 1, 71-76 and 78-80 because Yakshin’s goal is to determine an optimal thickness of his carbon cap level. *See, id.*, p. 23, fifth paragraph. One skilled in the art readily understands that such a thickness is computed for a single point, for a range of thicknesses, as shown in Figs.

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17a-21a of Yakshin. It would not have been obvious for one skilled in the art to make measurements at several points on a particular interface, in a direction orthogonal to the thickness direction in order to find an optimal thickness. Accordingly, Applicants request for reconsideration and withdrawal of the rejections.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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